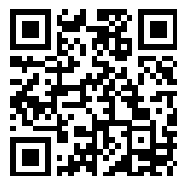

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Hate
Crimes

Selected Federal Civil Rights Statutes

C Title 18, U.S.C., Section 241 **Conspiracy Against Rights**

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person...in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same.

Title 18, U.S.C., Section 245 **Federally Protected Activities**

This statute prohibits injury, intimidation, or interference or attempt to do so, by force or threat of force of any person because of race, color, religion, or national origin and because of his/her activity as, or in connection with:

- ◆ Public education
- ◆ Program administered by state/local government
- ◆ Employment
- ◆ A juror or prospective juror in state court
- ◆ A user of any facility of interstate commerce
- ◆ A patron of any public accommodation, including hotels, restaurants, etc.

Title 18, U.S.C., Section 247 **Damage To Religious Property**

This statute prohibits intentional defacement, damage, or destruction of any religious real property, because of the religious, racial, or ethnic characteristics of that property.

Title 42, U.S.C., Section 3631 **Criminal Interference With Right To Fair Housing**

This statute makes it unlawful for any individual(s), by the use of force or threatened use of force, to injure, intimidate, or interfere with (or attempt to injure, intimidate, or interfere with), any person's housing rights because of that person's race, color, religion, sex, handicap, family status or national origin.

Hate Crime & Civil Rights

FBI Civil Rights Mission

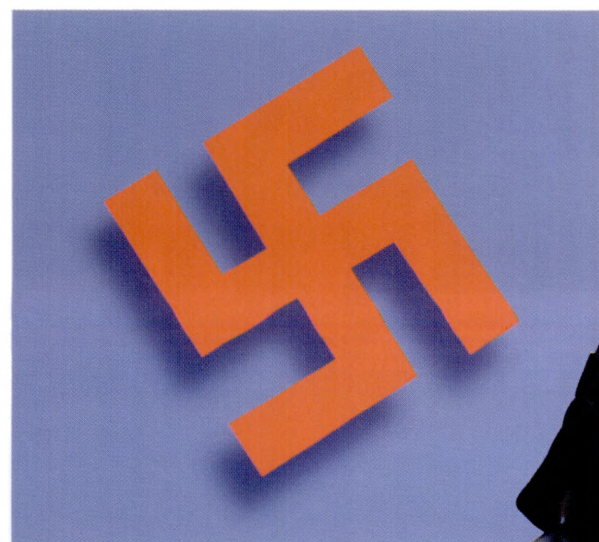
The FBI is the primary federal agency responsible for investigating all allegations regarding violations of federal civil rights laws. These laws are designed to protect the civil rights of all citizens and persons within United States territory. The mission of the FBI's Civil Rights Program is to enforce federal civil rights statutes and to ensure that the protected civil rights of all inhabitants are not abridged.

FBI Jurisdiction

The FBI's role in civil rights investigations dates back to the passage of the Civil Rights Act of 1964. This legislation was passed by Congress after President Lyndon Johnson addressed a joint session of Congress on November 23, 1963, and called for them **"to write the next chapter of equal rights, and to write it in the book of law."**

Prior to the Civil Rights Act of 1964, the federal government took the position that protection of civil rights was a local function, not a federal one. The Hate Crimes Statistics Act was originally passed in 1990 (*Amended in 1994 and 1996*). This Act provided a definition of hate crimes for statistical purposes and has been used as a model for several states in passing their own hate crime statutes.

The FBI has the responsibility to investigate allegations of civil rights violations pursuant to federal statutes. Final prosecutive authority rests with the Department of Justice (DOJ) Civil Rights Division.



What is a hate crime?



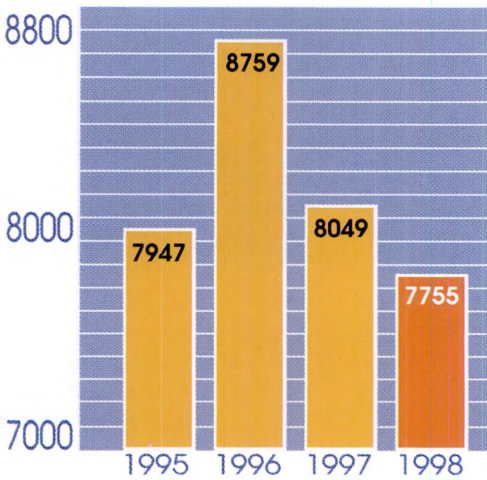
Photo Courtesy of the Anti-Defamation League

❖ **A** hate crime is a “criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, ethnic/national origin or sexual orientation.”* Hate crimes are not separate, distinct offenses, but rather traditional crimes motivated by the offender's bias.

*Hate Crimes Statistic Act of 1990

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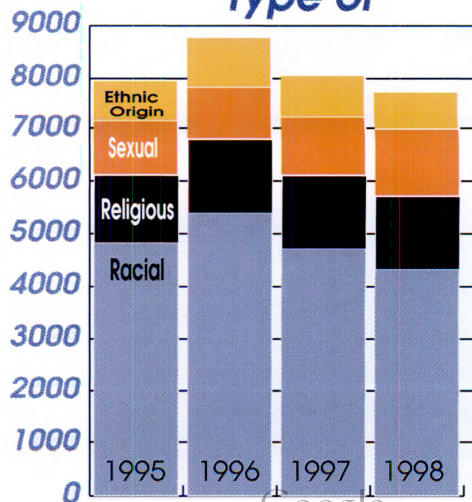
Hate Crime Incidents



Hate Crime Statistics

During 1998 a total of 7,755 bias-motivated criminal incidents were reported to the FBI by 10,730 law enforcement agencies in 46 states and the District of Columbia. Of the 7,755 incidents, 4,321 were motivated by racial bias; 1,390 by religious bias; 1,260 by sexual-orientation bias; 754 by ethnicity/national origin bias; 25 by disability bias; and 5 by multiple biases.

Type of



Hate Crime Indicators



Photo Courtesy of the Anti-Defamation League

Making the determination of whether a crime should be classified as a hate crime often comes down to objectively viewing all the facts and circumstances of the incident. Indicators that may suggest that the offender's actions were motivated in whole or in part by hate or bias are:

- ★ Racial, Ethnic, or Cultural Differences between Perpetrator and Victim

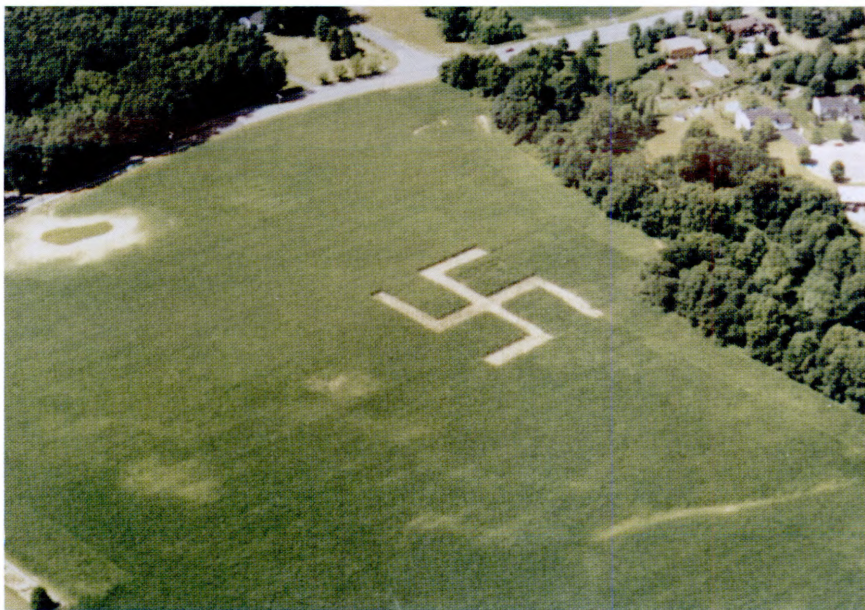
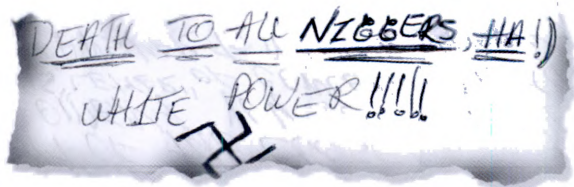


Photo Courtesy of the Anti-Defamation League

Drawings, Markings,
Symbols, Graffiti



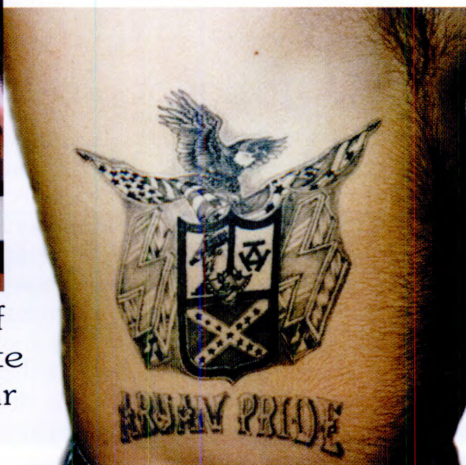
Comments,
Written Statements, Gestures



Location of
Incident



History of
Perpetrators



Involvement of
Organized Hate
Groups or their
Members

Victim/Witness Perception

Wedgeood Baptist Church Shooting

On September 15, 1999, Larry Gene Ashbrook, a white male, entered the Wedgewood Baptist Church, 5500 Whitman, Fort Worth, Texas, shortly after 7:00 p.m. and opened fire on students, teachers, and parents who were participating in a "See you at the pole" youth rally. Five of the 14 shooting victims died at the scene and two died a short time later at a local hospital.

The other seven victims were hospitalized with three in very critical condition.

After the shooting rampage, Ashbrook sat in a pew in the rear of the church and killed himself. Investigation determined Ashbrook entered the church in a calm manner, began muttering profanities about the Baptist religion, and then pounded on the church walls in an apparent attempt to make his presence known. Thereafter, he began indiscriminately shooting into the crowd of more than 150 church members.



Jabari Jones-Murder

On August 5, 1998, Kenneth Charles Nemetz, a white male, brutally murdered Jabari Jones, a 19 year old African-American male who was sitting in a public park in Fairfield, California along with three friends. Earlier that evening, the victim and his friends encountered Nemetz and Michael Grierson, who were walking through the park. Greetings were exchanged between the two groups and Nemetz and Grierson continued walking. Approximately forty five minutes later, Nemetz and Grierson returned to the park and angrily confronted Jones and his friends concerning a comment Nemetz thought had been directed towards him during the earlier meeting. Nemetz, after asking a question of the African-Americans, raised a 12-gauge shotgun and fired a fatal round into Jones' back from point blank range.

Both Nemetz and Grierson were subsequently indicted federally for the murder of Jones in violation of Title 18, U.S.C., Section 245.

James Byrd Dragging Death

During the early morning hours of June 7, 1998, James Byrd, Jr., an African-American male, was picked up by three white males who drove him to a remote logging road in Jasper, Texas, and physically assaulted him until he was rendered unconscious. Byrd was then tied to the back of a pick-up truck with a chain and dragged down the road until he was dead. Byrd's dismembered body was discovered along a rural county road east of Jasper, Texas. Investigation by local authorities resulted in the arrests of three Caucasian males, Shawn Berry, Lawrence Brewer and John William King, who were tried and convicted of capital murder. Brewer and King received the death penalty, and Berry was sentenced to life imprisonment.








Maryland Cross Burning

In June of 1997 a Maryland police officer discovered two partially burned crosses at a local high school. Investigation revealed that in April of 1997, a white female student at the school was assaulted by several black students. The assault victim was the girlfriend of one of the cross burning subjects. This subject and several of his friends were particularly upset when they learned that the students responsible for assaulting the white female were bussed to the school from surrounding communities. They decided to retaliate and to burn a cross at the school to intimidate "all" black students who attended the school.

The four individuals involved all eventually entered guilty pleas to federal hate crime charges and were sentenced to prison terms.



Facts to Remember

-  The FBI is an investigative agency, and the decision to prosecute allegations of civil rights violations is made by the Department of Justice.
-  If you believe you have been the victim of a hate crime, or if you have direct knowledge of one, contact your local FBI office.
-  The FBI has no jurisdiction on hate crimes where the motivation is based on the sexual orientation of the victim.
-  Anyone can be a victim of a hate crime.
-  The First Amendment of the United States Constitution guarantees the right to free speech. It is not generally a crime to express intolerance toward others because of their race, religion, etc. However, it is against the law to engage in criminal acts based on this intolerance.



FBI Field Office Contact Information

<i>OFFICE</i>	<i>PHONE NO.</i>	<i>OFFICE</i>	<i>PHONE NO.</i>
Albany, NY	518-465-7551	Memphis, TN	901-747-4300
Albuquerque, NM	505-224-2000	Miami, FL	305-944-9101
Anchorage, AL	907-276-4441	Milwaukee, WI	414-276-4684
Atlanta, GA	404-679-9000	Minneapolis, MN	612-376-3200
Baltimore, MD	410-265-8080	Mobile, AL	334-438-3674
Birmingham, AL	205-326-6166	Newark, NJ	973-792-3000
Boston, MA	617-742-5533	New Haven, CT	203-777-6311
Buffalo, NY	716-856-7800	New Orleans, LA	504-816-3000
Charlotte, NC	704-377-9200	New York, NY	212-384-1000
Chicago, IL	312-431-1333	Norfolk, VA	757-455-0100
Cincinnati, OH	513-421-4310	Oklahoma City, OK	405-290-7770
Cleveland, OH	216-522-1400	Omaha, NE	402-493-8688
Columbia, SC	803-551-4200	Philadelphia, PA	215-418-4000
Dallas, TX	214-720-2200	Phoenix, AZ	602-279-5511
Denver, CO	303-629-7171	Pittsburgh, PA	412-471-2000
Detroit, MI	313-965-2323	Portland, OR	503-224-4181
El Paso, TX	915-832-5000	Richmond, VA	804-261-1044
Honolulu, HI	808-566-4300	Sacramento, CA	916-481-9110
Houston, TX	713-693-5000	Salt Lake City, UT	801-579-1400
Indianapolis, IN	317-639-3301	San Antonio, TX	210-225-6741
Jackson, MS	601-948-5000	San Diego, CA	858-565-1255
Jacksonville, FL	904-721-1211	San Francisco, CA	415-553-7400
Kansas City, MO	816-512-8200	San Juan, PR	787-754-6000
Knoxville, TN	865-544-0751	Seattle, WA	206-622-0460
Las Vegas, NV	702-385-1281	Springfield, IL	217-522-9675
Little Rock, AR	501-221-9100	St. Louis, MO	314-231-4324
Los Angeles, CA	310-477-6565	Tampa, FL	813-273-4566
Louisville, KY	502-583-3941	Washington, DC	202-278-2000

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Stanley J. Forman, Pulitzer Prize 1977, "The Soiling of old Glory."

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